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HOUSE BILL 241

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Jane E. Powdrell-Culbert

AN ACT

RELATING TO CRIMINAL LAW; ENACTING THE INVOLUNTARY SERVITUDE AND TRAFFICKING OF PERSONS ACT; CREATING NEW CRIMINAL OFFENSES; PRESCRIBING CRIMINAL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the "Involuntary Servitude and Trafficking of Persons Act".

Section 2. INVOLUNTARY SERVITUDE. --

A. Involuntary servitude consists of a person knowingly subjecting another person to forced labor or services by force, threat, intimidation or deception or by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported government document.

B. Whoever commits involuntary servitude that does not result in injury to the person is guilty of a third degree

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1 felony and shall be required to make restitution to the victim
2 for the gross income or value of the victim's labor or
3 services.

4 C. Whoever commits involuntary servitude that
5 results in injury to the person is guilty of a second degree
6 felony and shall be required to make restitution to the victim
7 for the gross income or value of the victim's labor or
8 services.

9 D. Whoever commits involuntary servitude that
10 results in great bodily harm or the person's death is guilty of
11 a first degree felony and shall be required to make restitution
12 to the victim for the gross income or value of the victim's
13 labor or services.

14 Section 3. SEXUAL SERVITUDE OF A CHILD. --

15 A. Sexual servitude of a child consists of a person
16 knowingly:

17 (1) recruiting, enticing, harboring,
18 transporting, providing or obtaining by any means a child under
19 the age of eighteen who will engage in any commercial sexual
20 activity or prohibited sexual act; or

21 (2) committing any act that causes a child
22 under the age of eighteen to engage in any commercial sexual
23 activity or prohibited sexual act.

24 B. Whoever commits sexual servitude of a child that
25 does not result in injury to the child is guilty of a third

1 degree felony.

2 C. Whoever commits sexual servitude of a child that
3 results in injury to the child is guilty of a second degree
4 felony.

5 D. Whoever commits sexual servitude of a child that
6 results in great bodily harm or the child's death is guilty of
7 a first degree felony.

8 E. For purposes of this section:

9 (1) "commercial sexual activity" means any
10 sexual act for which anything of value is given, promised to or
11 received by any person; and

12 (2) "prohibited sexual act" means:

13 (a) sexual intercourse, including
14 genital-genital, oral-genital, anal-genital or oral-anal,
15 whether between persons of the same or opposite sex;

16 (b) bestiality;

17 (c) masturbation;

18 (d) sadomasochistic abuse for the
19 purpose of sexual stimulation;

20 (e) lewd and sexually explicit
21 exhibition, including an exhibition performed in a place that
22 is open to or used by the public, with a focus on the genitals
23 or pubic area of any person for the purpose of sexual
24 stimulation; or

25 (f) any sexual act or simulation of a

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1 sexual act recorded in any visual or print medium

2 Section 4. TRAFFICKING OF PERSONS FOR FORCED LABOR OR
3 SERVITUDE. --

4 A. Trafficking of persons for forced labor or
5 servitude consists of a person knowingly:

6 (1) recruiting, enticing, harboring,
7 transporting, providing or obtaining by any means another
8 person who will be subjected to forced labor or services; or

9 (2) benefiting, financially or by receiving
10 anything of value, from an act in violation of Section 2 or 3
11 of the Involuntary Servitude and Trafficking of Persons Act.

12 B. Whoever commits trafficking of persons for
13 forced labor or servitude that does not result in injury to the
14 person is guilty of a third degree felony and shall be required
15 to make restitution to the victim for the gross income or value
16 of the victim's labor or services.

17 C. Whoever commits trafficking of persons for
18 forced labor or services that results in injury to the person
19 is guilty of a second degree felony and shall be required to
20 make restitution to the victim for the gross income or value of
21 the victim's labor or services.

22 D. Whoever commits trafficking of persons for
23 forced labor or services that results in great bodily harm or
24 the person's death is guilty of a first degree felony and shall
25 be required to make restitution to the victim for the gross

1 income or value of the victim's labor or services.

2 Section 5. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 2005.

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